

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

IN THE MATTER OF REVISION OF :
 THE LINCOLN COUNTY BUILDING :
 CODE ORDINANCE ADOPTED FOR THE : ✓ ORDINANCE NO. #35
 PURPOSE OR REGULATING CONSTRU_ :
 CTION OF BUILDINGS AND OTHER :
 STRUCTURES AND DECLARING AN :
 EMERGENCY. :

WHEREAS, pursuant to the authority granted by ORS 215 110 (2), and implementing ORS 256.750 through ORS 256.890 inclusive, and thereby adopting the 1973 Edition of the Uniform Building Code, regulating and providing for enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance and buildings or structures in the unincorporated areas of Lincoln County, Oregon; providing for the issuance of permits and collection of fees therefor; incorporating provision for statutory penalties, providing for appeal; and repealing all other ordinances and parts of ordinances in conflict herewith.

NOW, HEREOFRE, It is hereby ordained by the Board of Commissioners for Lincoln County, Oregon, as follows:

SECTION I: Adoption. The Building Code of Lincoln County means the combined specialty codes as herein listed and hereby adopted.

(A) STRUCTURAL CODE: The Structural Specialty Code of Lincoln County is hereby adopted as the UNIFORM BUILDING CODE, Volume "One" and STANDARDS THERETO, 1973 Edition, promulgated by the International Conference of Building Officials, including the Appendix of Volume One with the additions and deletions to these volumes and appendix thereto as promulgated or deleted therefrom pursuant to ORS 456.755 and thereby adopted by the Director of Commerce pursuant to his authority, and incorporated herein as if set out in full.

(B) MECHANICAL CODE: The Mechanical Specialty Code of Lincoln County is hereby adopted as the UNIFORM MECHANICAL CODE, including Appendixes A, B, C, of the 1973 Edition promulgated by the International Conference of Building Officials, with the additions and deletions therefrom as promulgated

pursuant to ORS 456.755 and adopted by the Director of Commerce pursuant to his authority, and incorporated herein as if set out in full.

SECTION 2: Permits.

(A) No person, firm or corporation shall do any work within Lincoln County covered under the scope of these regulations except as excluded herein without first obtaining a permit and paying the appropriate fees to the authorized permit issuing agency.

(B) The Building Official is hereby designated as the appropriate permit issuing agency. The Building Official may double the permit fee if any work requiring a permit is commenced prior to the issuance of a permit, except that this provision will not apply to proven emergency work or work authorized to proceed by the Building Official temporarily without a permit.

SECTION 3: Application. The provisions of the Building Code hereby adopted shall apply to structures in all the unincorporated areas of Lincoln County, Oregon, except that Agricultural Buildings as hereinafter defined are hereby exempted from application of the code, provided, however, that this term does not include farm dwellings.

SECTION 4: Interpretations and Definitions: In applying the provisions of the UNIFORM BUILDING CODE, 1973 Edition, to construction in Lincoln County, all word usage and definitions contained in said Code shall apply and are hereby adopted including but not limited to the following:

"Appointing Authority" shall mean the Board of Commissioners for Lincoln County, Oregon.

"City" shall mean any and all areas in Lincoln County, excepting "Cities" as defined in ORS 221.010 (3).

"City Treasurer" shall mean County Treasurer.

"City Recorder" shall mean "County Clerk."

"Building Department" shall mean Lincoln County Building department.

"Building Official" shall mean the official designated by the County Commissioners as the Building Official.

"Mayor" shall apply to the Chairman of the Board of County Commissioners.

"Fire Chief" shall apply to the Chief of Volunteer Fire Departments, or Fire Departments Rural Fire Prevention Districts, whichever department shall have jurisdiction over the area involved, or to his regularly appointed deputy.

"Street" shall apply to streets as defined in the Building Code, and to Public Roads of Lincoln County, Oregon.

"Agricultural Building" shall mean a structure located on a farm and used in the operation of such farm for the storage, maintenance or repair of farm machinery and equipment or for the raising, harvesting and selling of crops or in the feeding, breeding, management and sale of, or the produce of livestock, poultry, fur-bearing animals or honey bees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof including the preparation and storage of products raised on such a farm for man's use and animal use in disposal by marketing or otherwise. Provided, that the term "Agricultural Building" does not include a dwelling, or a structure which accommodates more than 10 people assembled for more than 12 hours a week, or a structure regulated by the State Fire Marshall pursuant to ORS Chapter 476, or a place used by the public.

"Modular or Factory-Built Home" shall mean a building or structural unit which has been in whole or substantial part manufactured at an off-site location to be wholly or partially assembled on site; but provided that this term does not include a mobile home, trailer or recreational vehicle

"Mobile Home" shall mean a trailer house not less than 32 feet in body length, exclusive of hitch, which is designed and maintained for long-term permanent occupancy and contains a flush toilet, and a tub or shower bath, and kitchen facilities with water and electrical systems connected to outside systems.

"Trailer House, Travel" shall mean a trailer house not more than 8 feet in body width or more than 32 feet in body length designed primarily for temporary occupancy or for travel, recreational and vacation uses.

SECTION 5: General Provisions and Requirements: The Oregon State Plumbing Code as contained in ORS Chapter 447; the laws pertaining to electrical wiring and equipment as contained in ORS Chapter 479; and the State Fire Marshall Laws as contained in ORS Chapter 476 are incorporated herein and hereby made an integral part of this Ordinance.

Before a building permit is issued for a new building or structure, or for substantial structural alteration which enlarges or moves any existing building or structure, the applicant shall furnish a plot plan showing dimensions of the property and the locations and size of the building proposed and existing. This plot plan shall also show the location or proposed location of any waste lines

and waste disposal facilities.

All plans submitted to the Building Inspector, and all construction inspected shall conform to the above-cited State law and codes.

SECTION 6: Fees: Table No. 3-A entitled "Building Permit Fees: of the UNIFORM BUILDING CODE, 1973 Edition, is hereby amended by deleting the afore-mentioned table on page 32 of said CODE, and in lieu thereof inserting the following:

BUILDING PERMIT FEE SCHEDULE
FOR LINCOLN COUNTY

<u>TOTAL VALUATION</u>	<u>FEE</u>
Less than \$150.00	No fee
\$151.00 to and including \$500.00	\$5.00
\$2001.00 to \$25,000.00	\$20.00 for the first \$2000.00, plus \$4.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$112.00 for the first \$25,000.00 plus \$3.00 for each additional \$1000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$187.00 for the first \$50,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$287.00 for the first \$100,000.00 plus \$1.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,000.00 and up	\$887.00 for the first \$500,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof.
Mobile Home or Travel Trailer Placement (individual) not in a Mobile Home Park	\$15.00
Modular or Prefabricated Home Placement Fee	\$50.00

SECTION 7: Flood Plain.

The Building Official shall require that all buildings used for dwelling

purposes (including trailers) to be built or placed in a flood hazard area shall have a minimum floor elevation twelve (12) inches above the Greatest Flood of Local Recollection, the Christmas Flood of 1964, or the January, 1965 flood, whichever is highest. Elevations may be revised to levels determined by the Corps of Engineers to be less than the level of the above, but not less than a new 100 year flood level as determined by the Corps of Engineers if a new dam construction were to reduce the flood hazard.

Locate public utilities and facilities on the site in a manner as to be elevated and constructed to minimize and eliminate flood damage, such utilities and facilities include sewer, gas, electrical and water systems.

The Building Official, when reviewing applications for building permits in flood plain areas, shall determine if the proposed construction is consistent with the need to minimize flood damage in Lincoln County, and shall require that all construction in a flood hazard area be designed and anchored so as to prevent flotation, collapse or lateral movement of the building, or portions thereof, due to flooding, and shall require construction methods consistent with good engineering practices that will minimize flood damage to any building built under a permit in a flood hazard area, and shall require adequate drainage to the lot when he deems it necessary to reduce the exposure to flood hazards.

SECTION 8: Mobile Homes: No mobile home intended to be occupied as a residence (abode), not located in a duly-licensed mobile home park and located in an approved mobile home park trailer space, shall be placed on any lot within Lincoln County without prior approval by the Building Official, and a mobile home location permit having been obtained from the Building Office, and such information as may be reasonable required by the Building Official having been given. This provision shall apply each time a mobile home is relocated.

Mobile homes shall be placed only on foundations designed by the manufacturer and approved by the Mobile Home Division of the Commerce Department of the State of Oregon, along with stabilizing devices designed to sustain all horizontal and vertical loads. Stabilizing devices shall be capable of preventing drag and uplift torque due to a 15# per square foot of load and

shall be capable of transmitting the loads from the mobile home to the tie-downs.

SECTION 9: Building Exterior Uncovered. No exterior surfaces of any building under construction in Lincoln County shall be allowed to remain uncovered, and no building paper shall be exposed, and no exterior walls left in a non-weather protected condition for more than 18 months after a building permit shall have been issued.

SECTION 10: Temporary Structures. Buildings of a temporary nature may be permitted if conditions of business warrant such construction. When the Building Official shall find this condition to exist, he may in his discretion grant a building permit, which permit shall be limited to ninety (90) days with a possibility of renewal an additional ninety (90) day period. The fee for such a permit shall be \$5.00.

SECTION 11: Fire Zone Designation: In order to facilitate administration of this Building Code in unincorporated areas of Lincoln County, it is found necessary to classify such areas in various Fire Zones. Therefore, it is hereby provided that in all unincorporated areas of Lincoln County for the purpose of this code, the Fire Zone shall be deemed to be Fire Zone No. 3. which is the least restrictive of the Fire Zones.

SECTION 12: Severability and Repealer. All prior ordinances enacted by the Board of Commissioners for Lincoln County are hereby repealed and replaced by this ordinance. All other existing ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as the same affect the operation of this ordinance. It is expressly provided, however, that this ordinance shall be inoperative and ineffective to the extent that it may conflict with existing State and Federal legislation.

SECTION 13: Violations and Penalties. Violation of any provision of this ordinance is punishable upon conviction as provided in ORS 456.885

In addition, the location, erection, construction, maintenance, repair, alteration, commencement or use of a building or other structure in violation

of this ordinance or amendments hereto shall be deemed a nuisance.

In case a building or other structure is proposed to be located, constructed, maintained, repaired, altered or used in violation of this ordinance or amendments hereto, the governing body or the District Attorney for the County, or any person whose interest in real property in the County is or may be affected by the violation, may in addition to other remedies provided by existing law, institute injunction, mandamus, abatement, or other appropriate proceedings at law or in equity to prevent, temporarily or permanently enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use;

And in the case of continuing violations, every days repeat continuation of the above-defined violation is deemed to be a separate offense.

SECTION 14: Validity: If any Section, sub-sections, sentence clause or phrase of this Ordinance is, or for any reason may be held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this Ordinance. The Lincoln County Board of Commissioners hereby declares that it would have passed this Ordinance and each and every section, sub-section, clause or phrase hereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses and/or phrases hereof or of the Building Code hereby adopted may be declared to be unconstitutional.

SECTION 15: Emergency Passage Date: An emergency is hereby declared to exist, and it is in the best interests of Lincoln County that the above-titled Ordinance be in full force and effect on July 1, 1974.

PASSED BY THE LINCOLN COUNTY BOARD OF COMMISSIONERS

THIS 18th day of June, 1974.

Andy Zedwick (absent)
Chairman of the Board of Commissioners

[Signature]
Commissioner

Albert R. Strand
Commissioner

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LINCOLN COUNTY, OREGON

In the Matter of an Order :
Establishing an Amendment to the :
Lincoln County Building Code Ordinance : / ORDER

The Board of Commissioners of Lincoln County, Oregon hereby orders as follows:

That a public hearing was held by the Board of Commissioners at the hour of 10:30
A.M., on the 7th day of August, 1974, in the office of the Board of Commissioners
in the Lincoln County Courthouse in Newport, Oregon, where the Board of Commissioners
heard evidence and considered & determined the following:

Whether Section 6 of the Lincoln County Building Code Ordinance be amended
whereby Table No. 3-A entitled "Building Permit Fees" hereafter read as
follows:

Less than \$499.99	No Fee
\$500.00 to and including \$2,000.00	\$5.00 for the first \$500.00 plus \$1.00 for each additional \$100.00 or fraction thereof to and including \$2,000.00
\$2,000.01 to \$25,000.00	\$20.00 for the first \$2,000.00, plus \$4.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,000.01 to \$50,000.00	\$112.00 for the first \$25,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,000.01 to \$100,000.00	\$187.00 for the first \$50,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,000.01 to \$500,000.00	\$287.00 for the first \$100,000.00 plus \$1.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,000.01 and up	\$887.00 for the first \$500,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof.
Mobile Home or Travel Trailer Placement (individual) not in a Mobile Home Park	\$15.00
Modular or Prefabricated Home Placement Fee	\$50.00

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IT IS HEREBY ORDERED that the Amendment of the Lincoln County Building Code Ordinance No. 35 and Declaring an Emergency be accepted and recorded in the Lincoln County Commissioner's Journal as required by law.

Dated at Newport, Oregon this 20th day of August, 1974.

Andy Zedwick
Chairman, Board of Commissioners

Mike Milk
Commissioner

Albert R. Strand
Commissioner

Registered
Mobile Home for
Manufactured Home
Placement Fee

\$10.00

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LINCOLN COUNTY, OREGON

In the Matter of Amendment of the : ✓ AMENDMENT TO
Lincoln County Building Code Ordin- : X ORDINANCE NO. 35
ance and Declaring an Emergency :

WHEREAS, a hearing concerning the proposed amendment having been held on the 7th day of August, 1974; and

WHEREAS, it has been found by the Board of Commissioners that Section 6 of the Lincoln County Building Code Ordinance be amended to delete the following fee rate, to-wit: Less than \$150.00 - No fee; and

WHEREAS, it has been found by the Board of Commissioners that Section 6 of the Lincoln County Building Code Ordinance be amended so that the total valuation for which there is no fee be up to and include \$499.99; and

WHEREAS, it has been found by the Board of Commissioners that Section 6 of the Lincoln County Building Code Ordinance be amended so that the total valuations now read:

Less than \$499.99
\$500.00 to and including \$2,000.00
\$2,000.01 to and including \$25,000.00
\$25,000.01 to and including \$50,000.00
\$50,000.01 to and including \$100,000.00
\$100,000.01 to and including \$500,000.00
\$500,000.01 and up

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY, OREGON that Table No. 3-A entitled "Building Permit Fees" of Section 6 of the Uniform Building Code, 1973 edition hereafter read as follows:

Less than \$499.99	No Fee
\$500.00 to and including \$2,000.00	\$5.00 for the first \$500.00 plus \$1.00 for each additional \$100.00 or fraction thereof to and including \$2,000.00
\$2,000.01 to \$25,000.00	\$20.00 for the first \$2,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof to and including \$25,000.00
\$25,000.01 to \$50,000.00	\$112.00 for the first \$25,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof to and including \$50,000.00
\$50,000.01 to \$100,000.00	\$187.00 for the first \$50,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof to and including \$100,000.00

\$100,000.01 to \$500,000.00

\$287.00 for the first \$100,000.00 plus \$1.50 for each additional \$1,000.00 or fraction thereof to and including \$500,000.00

\$500,000.01 and up

\$887.00 for the first \$500,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof

Mobile Home or Travel Trailer Placement (individual) not in a Mobile Home Park

\$15.00

Modular or Prefabricated Home Placement fee

\$50.00

An emergency is hereby declared to exist within the county for the protection of the health, safety and welfare of the public; therefore, this Ordinance shall be effective upon the date of its enactment.

Enacted and passed unanimously by the Board of County Commissioners this 20th day of August, 1974.

Andy Zedewick
Chairman

Neil Miller
Commissioner

Albert R. Strand
Commissioner

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LINCOLN COUNTY, OREGON

In the Matter of Establishing :
:
An Amendment to the Lincoln : ✓ ORDER
: ✕
County Zoning Ordinance #34 :

COMES ON NOW FOR CONSIDERATION the matter of the Lincoln County Board of Commissioners establishing an amendment to the Lincoln County Zoning Ordinance #34. A public hearing having been held by the Board of Commissioners at the hour of 1:30 P.M. of the 23rd day of July, 1974, in the office of the Board of Commissioners in the Lincoln County Courthouse in Newport, Oregon, where the Board of Commissioners heard evidence and considered and determined the following:

It was found by the Board of Commissioners that Section 6.040 of the Lincoln County Zoning Ordinance be amended to delete the phrase "...not to exceed one (1) year....", therefore

IT IS HEREBY ORDERED that the Lincoln County Zoning Ordinance hereafter read as follows:

"Section 6.040. Time Limit on a Conditional use Approval of a conditional use shall be void after one (1) year, or such lesser time as the approval may specify unless substantial construction pursuant thereto has taken place. However, the Planning Commission, or upon authorization, the Planning Department, may extend authorization for an additional period on request."

IT IS FURTHER ORDERED that this Amendment to Ordinance No. 34 shall be effective upon the date of its enactment, namely, the 20th day of August, 1974, and

IT IS FURTHER ORDERED that the Amendment to the Lincoln County Zoning Ordinance Number 34 and Declaring an Emergency, and the two letters from the Planning Department dated April 26th, 1974 and June 25th, 1974, be attached to this order to become a permanent part thereof and be recorded in the Lincoln County Commissioner's Journal.

Read and approved this 27th day of August, 1974.

Audley Tedwies
Chairman, Board of Commissioners

Mike Miller
Commissioner

Albert R. Strand
Commissioner

ORDINANCE NUMBER # 34

AN ORDINANCE REPEALING LINCOLN COUNTY ORDINANCES NUMBER 1968 1 and 2; 1969 5 and 7; 1970 11-15 AND 1971 - 24; AND ADOPTING, AFFIRMING AND RATIFYING THE ZONING REGULATIONS -- LINCOLN COUNTY, OREGON, AS THE TRUE, CORRECT AND SOLE ORDINANCE REGULATING THE ZONING OF PROPERTY WITHIN LINCOLN COUNTY, OREGON AND DECLARING AN EMERGENCY.

LINCOLN COUNTY, OREGON BY ITS BOARD OF COUNTY COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1: That all prior ordinances regulating zoning within Lincoln County, Oregon, are hereby repealed, to-wit: Lincoln County Ordinances Number 1968 - 1 and 2; 1969 - 5 and 7; 1970 - 11-15; and 1971 - 24.

Section 2: That the updated Zoning Regulations (Ordinance) as proposed by the Lincoln County Planning Commission, Gertrude Calkins, Chairman, Baller, Gonor, Gruber, Herder, Jackson, McKenzie, Schwartz and Schwarz being members; Said proposed Ordinance is hereby adopted, approved and ratified, said adoption having transpired on the 12th day of February, 1974, and being recorded in Book 8, page 1947, Commissioners' Journal of Lincoln County, Oregon.

Section 3: Inasmuch as the provisions herein contained are necessary for the preservation of the peace, health and safety of the inhabitants of all zoned areas within Lincoln County, Oregon, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect upon its enactment.

Dated this 6th day of March, 1974, and entered nunc pro tunc as of the 12th day of February, 1974.

Andy Zedewitz

Chairman

Mike Miller

Commissioner

Albert R. Strand

Commissioner